



## Suspension of Action

Request for ~~Deferral of Examination~~ 37 CFR 1.103(a)

Application Number	10/759,145	Art Unit	3691
Filing Date	01/20/2004	Examiner Name	N. Subramanian
First Named Inventor	Neil C. Schoen	Attorney Docket Number	N.A.

Address to: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## suspension of action (a)

I hereby request ~~deferral of examination~~ under 37 CFR 1.103(a) for the above-identified (non-reissue) utility or plant application filed under 37 CFR 1.53(b) for a period of 6 (six) months (maximum 3 years), from the earliest filing date for which a benefit is claimed. ~~Deferral of examination~~ under 37 CFR 1.103(a) is suspension of action. As a result, any patent term adjustment may be reduced. See 37 CFR 1.704(c)(1). (a)

**Note:** The request will not be granted unless the application is in condition for publication as provided in 37 CFR 1.211(c) and the Office has not issued either an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.

\*\* See attached explanation \*\*

If applicant previously filed a nonpublication request under 37 CFR 1.213(a):

- ☐ I hereby rescind under 37 CFR 1.213(b) the previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

**Note:** Application will be scheduled for publication at 18 months from the earliest claimed filing date for which a benefit is claimed.

## Fees

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayment, to Deposit Account No. \_\_\_\_\_

i. ☐ Processing fee set forth in 37 CFR 1.17(i) for request for deferral of examination.

ii. ☐ Publication fee set forth in 37 CFR 1.18(d).

iii. ☐ Other \_\_\_\_\_

- b. ☒ Check in the amount of \$ 130. is enclosed.

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- c. ☐ Payment by credit card (Form PTO-2038 enclosed).

130.00 00

**WARNING:** Information in this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**Note:** The publication fee set forth in 37CFR 1.18(d) and the processing fee in 37 CFR 1.17(i) for deferral of examination are required when the request of deferral of examination is filed.

Signature	<u>Neil C. Schoen</u>	Date	1/28/2009
Name (Print/Typed)	Neil C. Schoen	Registration Number	cus# 64260
<b>Note:</b> Signature of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms for more than one signature, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 37 CFR 1.103(d). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attachment to Form 37 CFR 1.103(a)

Application # 10/759,145

Art Unit # 3691

Examiner N. Subramanian

Inventor Neil C. Schoen

USPTO suggested (by the  
Inventor's Assistant  
(center))

The requested Suspension of Action (6 months) should be granted for the following reasons:

(1) The Applicant believes that the subject matter of this invention properly belongs in the statutory category "article of manufacture" since it produces a ~~physical product~~ (partial physical product

deeds of trust or titles to homeowners' property) that insures against loss of equity.

(2) The recent legal filing "in re Bilski" has yet to be finally resolved at the Supreme Court level, which could impact this applicant's filing, if a decision was made favoring "business" methods. As the PTO is well aware, it's deliberations indicated partial support. This applicant believes that methods ultimately must support a product, or article of manufacture; not a business

Dated 1/28/2009  
method <sup>as</sup>  
stand alone.

Contingency Action: Should the PTO agree with my actions above upon acting on the enclosed proposed response to the Examiner's rejection of all claims pending in his response to his rejection of all claims submitted in August 2008, please contact me immediately, and cancel Suspension of Action.

Thank you-

Neil C. Schoen (301-330-5484)

*Neil C. Schoen*